IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8919/2004

M/s OPERA SHIKSHAN AVAM ANUSANDHAN SAMITI
Vs.
STATE OF RAJASTHAN & ANR.

DATE: 29.10.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

None present for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State.

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The present writ petition is directed against the order/letter dated 03.12.2004 passed by the Additional Director (Training) Medical & Health Services, Jaipur. The State Government issued direction not to give admission in General Nursing Course after second counseling vide letters dated 21.06.2004, 85.07.2004/12.07.2004 and 24.09.2004.

Brief facts of the case are that the petitioner is running a college under the name of M/s Opera School of Nursing situated at Kota. In the year 2003-2004, the applications were invited from the eligible candidates to get the admission in the General Nursing Course. The respondent No.2 allotted 59 candidates to get the training in the General Nursing

Course, 2003-2004 vide letter dated 26.04.2004. Against the list of 59 candidates send by the respondent No.2, 43 candidates have deposited their fees and were given admission.

As per the directions issued by the State Government, remaining vacant seats after second counseling should not be filled till the permission/ direction of the State Government. The State Government also issued letters and reminders to the petitioner Samiti that there is no management quota seats in the General Nursing Course and, therefore, the admission given by the petitioner may be cancelled and the Government may be informed accordingly.

This writ petition is directed against the order dated 03.12.2004 passed by the respondent No.2 on the ground that the aforesaid order is illegal as the candidates have not deposited their fees with the Institute and their names were also not sponsored by the State by way of counseling and they were not permitted to attend the classes.

It is also stated that the petitioner cannot be held responsible for the illegal act committed by some individual person as vide order dated 03.12.2004, the respondent No.2 has got allotted students for General Nursing Course for the Session 2003-2004.

On the other hand, learned Govt. Advocate appearing for the State submits that the petitioner Institution has not fulfilled the requisite requirement and also not complied with the directions issued by the respondents. He further submits that the petitioner Institution was also informed that in case the petitioner will not comply with the directions issued by the State, they will not allot students for General Nursing Course for the Session 2004-2005.

Having considered the averments made in the writ petition and the submissions made on behalf of the respondent State and upon careful perusal of the order impugned dated 03.12.2004, it appears that the order/letter dated 03.12.2004 is simply a letter to inform the petitioner to comply with the directions issued by the State Government, but the same has not been complied with by the petitioner Institution and, therefore, the respondents have rightly not allowed to give admission to the students for the General Nursing Course for the Session 2004-2005.

Thus, I find no illegality or error apparent on the face of the record as the petitioner Institution has utterly failed to show that it has complied with the directions given by the respondent No.2. I find no merit in the writ petition.

Consequently, the writ petition fails being devoid of merit and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/